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RCE JEW

PTO/SB/30 (04-05)

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| Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Application Number | 09/903,410 |
| | Filing Date | July 10, 2001 |
| | First Named Inventor | Dan E. ROBERTSON |
| | Art Unit | 1652 |
| | Examiner Name | R. Prouty |
| | Attorney Docket Number | 564462000820 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☒ Renewed Petition Under 37 CFR 1.78(a)(3) for Unintentional Delay of Addition of Priority Claim in response to the Decision on Petition (March 24, 2006); Petition to Expedite Review of Petition under CFR 37 Rule 1.182 (July 12, 2006)

b. ☒ Enclosed

i. ☒ Amendment/Reply (23 pages)

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Fee Transmittal (1 page plus duplicate); Petition for Extension of Time (1 page); Copy of Petition dated July 12, 2006 to expedite review of Applicants' March 24, 2006, petition (6 pages including postcard); Sequence alignment comparing SEQ ID NO:36 and SEQ ID NO:39 (two color copies); return receipt postcard

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 03-1952 I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

| | | | |
|--|--------------------|------------------|---------------|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
| Signature | | Date | July 19, 2006 |
| Name (Print/Type) | Gregory P. Einhorn | Registration No. | 38,440 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 513 164 205 US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 19, 2006

Signature: (Judy Calem)

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